EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Edmondson on 27 January 2009.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: labeling boxes 3 and 2 in Figure 1 with an appropriate descriptive phrase. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. Applicant's arguments, filed 26 November 2008, are persuasive. The rejection of claims 1-14 and 16-24 under 35 U.S.C. 103(a) as being unpatentable over Klenerman et al. in view of Vig and Schodowski is hereby withdrawn.

4. The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach and/or suggest an apparatus for separating an analyte from a mixture or for detecting an analyte or for determining the affinity, or a property related to affinity, between binding partners comprising: a) a surface having the analyte or one of the binding partners immobilized thereon, in use; b) a transducer for oscillating the surface; c) a controller connected to the transducer for varying the amplitude, frequency, or amplitude and frequency of the oscillation to cause a dissociation event; and, d) an analyzer connected to the transducer for detecting an oscillation of the transducer due to the dissociation event; especially wherein the controller includes an oscillator connected in a resonant circuit with the transducer such that the transducer oscillates at first and second frequencies simultaneously, the second frequency being supplied as an output to the analyzer.

The prior art of record also fails to teach and/or suggest a method for separating an analyte from a mixture or for detecting an analyte or for determining the affinity, or a property related to affinity, between binding partners, the method comprising: a) immobilizing the analyte or one of the binding partners on a surface; b) oscillating the surface; c) varying the amplitude,

frequency, or amplitude and frequency of the oscillation to cause a dissociation event; and, d) detecting an oscillation due to the dissociation event using an analyzer; especially wherein the surface is oscillated at first and second frequencies simultaneously, the second frequency being supplied as an output to the analyzer for use in detecting the oscillation due to the dissociation event.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROSE M. MILLER whose telephone number is (571)272-2199. The examiner can normally be reached on Monday - Friday, 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. M. M./
Examiner, Art Unit 2856
27 January 2009
/Hezron Williams/
Supervisory Patent Examiner, Art Unit 2856